



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,782	07/15/2003	Bradley J. Tucker	TUCKB-001A	7813

7590

11/17/2005

Kit M Stetina, Esq.
STETINA BRUNDA GARRED & BRUCKER
Suite 250
75 Enterprise
Aliso Viejo, CA 92656

EXAMINER

TALBOT, MICHAEL

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,782

Applicant(s)

TUCKER, BRADLEY J.

Examiner

Michael W. Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/09/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to because Figure 3 fails to make reference to lever 64 (as is shown in Figures 2 and 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "work pattern" recited in claim 3,

Art Unit: 3722

“the clamp pivot is biased to an up position” recited in claim 6, and “biased with a spring” recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Refer to page 8, paragraph [0032], line 2, the character reference “clamp pivot 71” should be changed to read --clamp pivot 74--.

Refer to page 11, paragraph [0039], line 1, the Figure reference “Figure 3” should be changed to read --Figure 4--.

Art Unit: 3722

Refer to page 11, paragraph [0040], line 4, the word "as" should be replaced with the word --at-- in the phrase "a first distal end as a fixed pivot 92d" to read --a first distal end at a fixed pivot 92d--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-8,14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the modifier" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation of "the modifier" is being evaluated as "the drill".

Claim 4 recites the limitation "the modifier pivot" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation of "the modifier pivot" is being evaluated as "the drill".

Claim 6 recites the limitation "the clamp pivot" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation of "the clamp pivot" is being evaluated as "the clamp".

Claim 7 recites the limitation "the modifier pivot is upwardly biased with a spring" which is deemed to be unclear since "the modifier pivot", recited earlier in claim 3, was originally being "biased to a down position" and not "upwardly biased". Furthermore claim 7, depends from claim 6, and recites the "clamp pivot is biased to an up position". Therefore as best understood

Art Unit: 3722

and for examination purposes, the phrase "the modifier pivot is upwardly biased with a spring" is being evaluated as "the clamp pivot is upwardly biased with a spring".

Claim 8 recites the limitation "the bias" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the pedal portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,6-8,14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stelz '759. Stelz '759 shows in Figures 1 and 2 a reaming machine for boring holes in a bottom side of a work piece (D) comprising a bed (5) for receiving the work piece, a drill (9) disposed below the bed and vertically traversable there under for working the bottom side of a work piece, a clamp (22) disposed above the bed and vertically traversable there above for fixing a spatial relationship between the bed and the work piece, a drill linkage system (53,52,51,17,16,10) attached to drill, a clamp linkage system (53,59,58a,37,36,35,32,31,30,29,25) attached to the clamp, and a lever (58,56,54) attached to the drill and clamp linkage systems such that a clamp downward force is mechanically (through structure) and proportionally adjusted with respect to a drill upward force (defined by increasing and decreasing drilling force met by an equal and opposing clamping force to permit boring of the work piece without movement). Stelz '759 shows a work pattern having at least one through-opening (8) capable for passing at least a portion of the drill there through. Stelz '759 shows the modifier pivot (i.e. drill) being biased to a

Art Unit: 3722

down position through bleed valve (56) releasing compressed air from cylinder 17 (col. 3, lines 62-74). Stelz '759 shows the clamp pivot (i.e. clamp) being biased to an up position through spring (40) when bleed valve (56) releases compressed air from cylinder 37 (col. 3, lines 62-74). Stelz '759 shows a bias of the modifier pivot (i.e. drill) being equal to the bleed valve (56) releasing compressed air from cylinder 17 which is less than that of the clamp pivot (i.e. clamp) being the bleed valve (56) releasing compressed air from cylinder 37 plus the contribution of the spring (40). Stelz '759 shows the pressure applicator (foot pedal 57) through pneumatic cylinders (17,37.) being contactable to a pedal portion (54).

Claims 1,3-5 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Onsrud '234: Onsrud '234 shows in Figures 1-3 a routing machine for boring holes in a bottom side of a work piece comprising a bed (12) for receiving the work piece, a drill (24) disposed below the bed and vertically traversable there under for working the bottom side of a work piece, a clamp (18) disposed above the bed and vertically traversable there above for fixing a spatial relationship between the bed and the work piece, a drill linkage system (46,28,22,30,34,38,43,40,42) attached to drill, a clamp linkage system (16,17,14) attached to the clamp, and a lever (14) attached to the drill and clamp linkage systems such that a clamp downward force is mechanically (through structure) and proportionally adjusted with respect to a drill upward force (defined by increasing and decreasing drilling force met by an equal and opposing clamping force to permit boring of the work piece without movement). Onsrud '234 shows a work pattern having at least one through-opening (col. 4, line 35-39) capable for passing at least a portion of the modifier there through. Onsrud '234 shows the modifier pivot (i.e. drill) being biased to a down position under its own gravitational weight (col. 5, lines 49-52). Onsrud '234 shows the pressure applicator (foot pressure on 42) contactable to a pedal portion (40).

Art Unit: 3722

Claims 1,3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by May '896. May '896 shows in Figures 1-4 a drilling machine for boring holes in a bottom side of a work piece comprising a bed (16) for receiving the work piece, a drill (26) disposed below the bed and vertically traversable there under for working the bottom side of a work piece, a clamp (20) disposed above the bed and vertically traversable there above for fixing a spatial relationship between the bed and the work piece, a drill linkage system (50,52,12 and 40,42,44) attached to drill, a clamp linkage system (104,106,22) attached to the clamp, and a lever (80) attached to the drill and clamp linkage systems such that a clamp downward force is mechanically (through structure) and proportionally adjusted with respect to a drill upward force (defined by increasing and decreasing drilling and clamping forces regulated by hydraulic control mechanism 80 to be equal and opposing one another to permit boring of the work piece without movement). May '896 shows a work pattern having at least one through-opening (60) capable for passing at least a portion of the drill there through. May '896 shows the clamp linkage system is at least one pull cable (104,106) attached to the clamp and lever (Fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stelz '759 in view of Peddinghaus '566. Stelz '759 lacks the clamping linkage system comprising a least one minor and one major L-link. Peddinghaus '566 shows the clamping linkage system comprising a minor L-link (33) and a major L-link (31). In view of this teaching of Peddinghaus '566, it would have been obvious to one ordinarily skilled in the art to modify the clamping linkage

Art Unit: 3722

system of Stelz '759 to include L-links of Peddinghaus '566 to provide a crank arm/lever assembly ratio necessary to clamp the work piece using fulcrum technology which allows a multiplicity of the transition forces.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stelz '759 in view of Peddinghaus '566. Stelz '759 in view of Peddinghaus '566 does not disclose expressly that the clamping linkage system comprises at least one C-link. Instead, Stelz '759 in view of Peddinghaus '566 indicates that the clamping linkage system comprises at least one L-link. At the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select a C-link clamping linkage system because Applicant has not disclosed that the C-link clamping linkage system provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the clamping linkage system of Stelz '759 in view of Peddinghaus '566, and Applicant's clamping linkage system to perform equally well with either the L-Link clamping linkage system taught by Stelz '759 in view of Peddinghaus '566 or the claimed C-link clamping linkage system because both link clamping linkage system would perform the equivalent linkage function.

Furthermore, Applicant does not provide any criticality or unexpected results for the C-link clamping linkage system as recited in claim 12.

Allowable Subject Matter

7. Claims 2, 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's

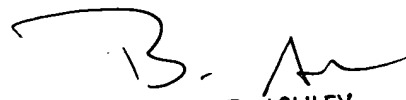
Art Unit: 3722

office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Boyer D. Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



Michael W. Talbot
Examiner
Art Unit 3722
7 November 2005



BOYER D. ASHLEY
PRIMARY EXAMINER